

# **EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: NEURONTIN	MDL Docket No. 1629
MARKETING, SALES	Master File No.
PRACTICES and PRODUCTS	04-10981
LIABILITY LITIGATION	Judge Patti B. Saris
	Magistrate Judge
	Leo T. Sorokin

RUTH SMITH,

Plaintiff, C. A. No. 05-11515  
V.

PFIZER, INC., et al.,

Defendants.

Videotaped Deposition of:

EDWARD MACKEY, M.D.

Wednesday, May 23, 2007

## STIPULATIONS

It is stipulated and agreed, by and between the parties through their respective counsel, that the videotaped deposition of:

EDWARD MACKEY, M.D., may be taken before Fred W. Jeske, court reporter and Tennessee Notary Public, at the offices of Miller & Martin, 1200 US Bank Tower, 150 Fourth Avenue, North, Nashville, Tennessee, on Wednesday, May 23, 2007, commencing at approximately 8:40 a.m.

It is further stipulated and agreed that the signature to and reading of the deposition by the witness is waived, the deposition to have the same force and effect as if full compliance had been had with all laws and rules of Court relating to the taking of depositions.

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Also present:

Jonathan Wilkerson, law clerk  
Sheldon Singh, videographer  
-oOo-

It is further stipulated and agreed that it shall not be necessary for any objections to be made by counsel to any questions, except as to form or leading questions, and that counsel for the parties may make objections and assign grounds at the time of the trial, or at the time said deposition is offered in evidence, or prior thereto.

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1 Q. How about medical literature, do you  
 2 ever read medical literature with regard to  
 3 risks and benefits of medications?  
 4 A. I don't get literature sent to me on  
 5 that. It's what's provided to me by detail  
 6 people, and that's -- and again, as I mentioned  
 7 earlier, you know, resources you have within  
 8 your own group as partners.  
 9 Q. Sure.  
 10 A. But, no, I don't read literature  
 11 regarding pain management.  
 12 Q. Do you read literature, period?  
 13 A. Yeah.  
 14 Q. Do you subscribe to journals?  
 15 A. Yeah. Yes.  
 16 Q. You have discussions with other  
 17 colleagues in your group, correct, --  
 18 A. Yes.  
 19 Q. -- about medications in general?  
 20 A. Yes.  
 21 Q. And other colleagues outside your  
 22 group; correct?  
 23 A. Absolutely.  
 24 Q. And you rely on your own experience  
 25 significantly, don't you?

1 A. That is correct.  
 2 Q. You don't have any present recollection  
 3 of any conversations with Pfizer, detailers or  
 4 sales reps during the 2002, 2003, 2004 time  
 5 frame?  
 6 A. Well, Pfizer or any set -- can I answer  
 7 with any sales rep?  
 8 Q. Sure.  
 9 A. I don't know who's aligned with who.  
 10 I do recall talking with  
 11 somebody, I don't know who it was, during that  
 12 time frame regarding Neurontin.  
 13 Q. Okay.  
 14 A. I mean it's natural that they would  
 15 come talk to me as a spine surgeon more so  
 16 probably than talking to Clendenin or Nichols,  
 17 but I mean less so compared to them but  
 18 certainly more than Allen Anderson, who would  
 19 not treat that at all.  
 20 So I feel, though I couldn't --  
 21 probably greater than 50 percent certainty, you  
 22 know, not 90 percent.  
 23 Q. So you think more likely than not some  
 24 Pfizer --  
 25 A. Yes.

1 A. I do.  
 2 Q. If you determine that the risks of a  
 3 medication outweigh the benefits for a  
 4 particular patient you'd stop prescribing it  
 5 for that patient; correct?  
 6 A. That's correct.  
 7 Q. With regard to Mr. Lanier talked about  
 8 sales people or detail people, you know who  
 9 those are?  
 10 A. Yes.  
 11 Q. To your knowledge, you don't recall any  
 12 detail person or sales representative from  
 13 Pfizer during the 2002-2003 time period coming  
 14 to talk to you about Neurontin?  
 15 A. I'm pretty sure I've spoken to some  
 16 people in my office regarding it. I know I had  
 17 samples in my office during the time. So I  
 18 don't know why there's no signature there other  
 19 than Dr. Anderson shares the same pod with me  
 20 and there is the chance that he just wound up  
 21 signing for it instead of me. So --  
 22 Q. Signing for the samples?  
 23 A. Yes.  
 24 Q. Because a physician has to sign for  
 25 samples; correct?

1 Q. -- sales representative came and talked  
 2 to you about, about Neurontin?  
 3 A. Or whomever. Somebody with Neurontin.  
 4 Q. Okay.  
 5 A. Again Pfizer, Parke-Davis, Warner-  
 6 Lambert.  
 7 Q. Sure. More likely than not you had  
 8 such a discussion. Do you recall anything  
 9 about what discussion was had in that  
 10 meeting?  
 11 A. Just again what I would use it for, and  
 12 that is neuropathic pain. And I recall a  
 13 discussion about a study coming out that shows  
 14 on-label use of it at some point, but I  
 15 can't -- and that was -- that may have been  
 16 after or during this time, I don't recall.  
 17 Q. Okay. You're a little vague on that?  
 18 A. Um, you know, it's asking something  
 19 that's -- you know, I got so many other things  
 20 going through.  
 21 Q. I understand.  
 22 A. To remember three or four, five years  
 23 ago. And I -- it could be longer than that.  
 24 Q. Okay.  
 25 A. But I -- I guess what I want to tell